THE BOMBAY COURT OF WARDS ACT, 1905 (BOM. I OF 1905).

G. N., R. D., No. 9606-A, dated 21st September 1908 (B. G., Pt. I, p. 1474).

S. 46. Bombay Court of Wards Rules, 1908.

Amended by G. N., R D., No. 1987, dated 3rd March 1910 (B. G., Pt. I, p. 372).
Amended by G. N. R. D., No., 4849, dated 30th May 1910 (B. G., Pt. I, p. 793).
Amended by G. N., R. D., No. 6295-F, dated 14th November 1922 (B. G., Pt. I, p. 2638)
Amended by G. N., R. D., No. 10258/24, dated 30th March 1928 (B. G., Pt. I, p. 629)
Amended by G. N., R. D., No. 2867/28, dated 23rd May 1930 (B. G., Pt. I, p. 1321)
Amended by G. N., R. D., No. 2867/28, dated 27th October 1930 (B. G., Pt. I, p. 2656).
Amended by G. N., R. D., No. 7479/33, dated 15th January 1938 (B. G., Pt. IV-A, p. 69).
Amended by G. N., R. D., No. 7479/33, dated 19th December 1941 (B. G., Pt. IV-B, p. 963).

In exercise of the powers conferred by section 46 of the Bombay Court of Wards Act, 1905 (Bom. I of 1905), the Governor in Council is pleased to make the following rules, namely :—

Rules.

1. (1) These rules may be called the Bombay Court of Wards Rules 1908.

(2) These rules shall extend to all parts of the State of Bombay to which the said Act extends but shall not apply to estates within the area to which the Gujarat Talukdars' Act, 1888, extends, which are or may be hereafter, under the management of the Talukdari Settlement Officer as the Court of Wards within that area.

(3) In these rules "the Act" means the Bombay Court of Wards Act, 1905.

2. The Court of Wards may remove any guardian appointed for the person of a Government ward for any of the following causes :—

(*a*) for abuse of his trust ;
(*b*) for continued failure to perform the duties of his trust ;
(*c*) for incapacity to perform the duties of his trust ;
(*d*) for ill-treatment, or neglect to take proper care of his ward ;
(*e*) contumacious disregard of any provision of the Act or of any order of the Court of Wards ;
(*f*) for conviction of an offence implying, in the opinion of the Court of Wards, a defect of character which unfits him to be the guardian of his ward ;
(*g*) for having an interest adverse to the faithful performance of his duties ;
(*h*) for ceasing to reside within the local limits of the jurisdiction of the Court of Wards ;
(*i*) in the case of a female ward, upon her marriage to a husband who is not, in the opinion of the Court of Wards, unfit to be guardian of such ward :

Provided that the Court of Wards shall not remove a guardian appointed by will or other instrument or appointed or declared under the Guardians and Wards Act, 1890, except with the previous consent of the District Court.

3. *Remuneration of guardians.*—The Court of Wards may award to a guardian such remuneration as, having regard to all the circumstances of the case, it think fit.

4. *Appointment and remuneration of managers.*—Any person interested in the good management of the property of a Government ward under the superintendence of the Court of Wards may be appointed manager of such property. Where for any reason there is no such person available, any person qualified

by character, merit, industry and knowledge may be appointed manager. A manager may be appointed for property comprising a single estate or comprising a group of estates within the limits of a single district, as the Court of Wards, having regard to the size and other circumstances of the estate or estates may deem suitable. The remuneration of such a manager shall be fixed by the Court of Wards with due regard to the financial condition and other resources of the estate or estates placed under his management.

5. *Removal of Manager.*—A manager appointed under the Act may be removed for any of the causes for which a guardian may be removed under rule 2 [illegible] for bankruptcy or insolvency and for any special cause rendering it desirable in the opinion of the Court of Wards that he should be removed.

6. (1) The amount of security to be furnished by a manager shall not be less than is sufficient to cover the maximum receipts which it is estimated may be in the hands of the manager at any one time.

(2) Such security may consist of a deposit in the Post Office Savings Bank or of a deposit of Government Promissory Notes or a security bond may be executed in Form A as the Court of Wards shall deem fit in each case.

(3) The Manager shall, if the amount of the security does not exceed one thousand rupees, furnish at least one surety ; in any other case he shall furnish at least two sureties.

(4) Servants of the estate, whose duties require them to deal with money, shall furnish such security as the Court of Wards shall deem fit. Such security shall consist either of a deposit in the Post Office Savings Bank or, with the approval of the Court of Wards any such servant may execute a security bond in Form A.

(5) A register of securities furnished shall be kept in the Huzur Treasury office in form No. I.

7. The following returns shall be rendered by managers to the Court of Wards :—

(1) An inventory of all the property belonging to each estate on first assumption of management in form No. II.

(2) A yearly statement of increase or decrease in the property of each estate and the reasons therefor in form No. II.

(3) A yearly return of demands, collections and balances for ea[illegible] form No. IX.

(4) A monthly return of receipts and payments on account of [illegible]sonal deposits in form No. V.

(5) A monthly return of receipts and expenditure for each estate in form [illegible]IV and a monthly abstract thereof.

(6) A yearly budget estimate for each estate for the year beginning with the 1st August to be submitted on or before the 1st May in duplicate in form No. VII.

8. The Court of Wards shall submit to the State Government an annual consolidated report upon the estates under its superintendence in form No. X, with such variations as may from time to time be prescribed in this behalf by the State Government.

9. (1) All Government securities and securities the interest whereon is guaranteed by the Central Government or State Government shall be forwarded to the Deputy Controller of the Currency, Bombay, for safe custody in cases where it is likely that they will be held for a period longer than five years and interest is intended to be drawn during the period.

All such securities which are likely to be held for less than 5 years and more than 12 months and the interest thereon is intended to be drawn during the period shall be forwarded to the Treasury Officer of the District for safe custody.

(2) All securities of the kind referred to in sub-rule (1) which are likely to be deposited for 12 months or less, or when they are deposited for more than 12 months and when interest is not intended to be drawn during the period, all securities other than those referred to in sub-rule (1), all title-deeds, all Savings Bank Pass Books in which deposits are completed, and all jewellery and ornaments, the use of which is not permitted to the ward, shall be deposited for safe custody in either the Taluka or District Treasury, as the Court of Wards may direct.

10. The delegation of powers to managers shall be notified by notices posted at the offices of the Collector of the district and of the Mamlatdar of the taluka, (and, where the property is situated in the limits of a petha or mahal, of the Mahalkari of the petha or mahal) and at the chavdi or other conspicious place of the village or villages, in which the property concerned is situated.

11. All expenses lawfully incurred in respect of an estate shall be debited to and be recovered out of the income of the estate.

12. The notice prescribed by sub-section (1) of section 14 of the Act shall also be published in one or, if the Court of Wards thinks it necessary, in more newspapers. A copy of such notice shall be sent to each of such persons as are known to be creditors and a copy of it shall be posted at the offices of the Collector of the district, and of the Mamlatdar of the taluka, (and, where the ward resides or any of his property is situated within the limits of a petha or mahal, of the Mahalkari of the petha or mahal) and at the chavdi or other conspicuous place of the village or villages, within which the ward resides or within which any portionof his immoveable property is situated.

13. The schedule of debts and liabilities required to be submitted to the State Government by section 18 of the Act shall be accompanied by a report containing a careful review of the financial position of the estate and shall be accompanied by thefollowing sub-schedules :—

(1) *Sub-schedule of landed property consisting of villages, shares of villages, etc., in the following form :—*

		Details of the property.						
			Area of share.					
District in which the property is situated.	Village in which the property is situated.	Proportional extent of share.	Total	Cultivated.	Rental of share.	The State Government Revenue and cesses chargeable on share.	Area of home farm land in share.	Remarks.
1	2	3	4	5	6	7	8	9

Note.—(*a*) Any encumbrances ascertained should be noted in the Remarks column.
(*b*) If the share consists of a fractional right in any undivided property statistics for the whole of the joint property may be entered in columns 4 to 8, the extent of interest or share being clearly stated in the column of Remarks.

(2) *Sub-schedule of house property* and landed property other than that shown in sub-schedule (1).

(3) *Sub-schedule of moveable property* showing the value of personal property owned by the estate under the classes "(*i*) Cash, (*ii*) Jewels, (*iii*) Grain, (*iv*) other," the total amount of the debts and arrears of rent due to the estate and the amount under each head which is probably recoverable.

(4) *Sub-schedule of income and expenditure* showing the probable average income and expenditure, the establishment ordered to be employed in managing the estate and the scale of pay of such establishment, the sums allotted annually for the maintenance of the ward and his family and for their education, and the instalments by which the debts, if any, are to be liquidated.

14. Every manager shall keep the following accounts :—

(1) A register of securities in form No. I.

(2) An inventory of all the property belonging to each estate on first assumption of management in form No. II.

(3) A day book of receipts and expenditure for each estate in form No. III.

(4) A classified register of receipts and expenditure for each estate in form No. IV (Parts I and II) and a monthly abstract thereof.

(5) A register of receipts and payments on account of personal deposits in form No. V.

(6) A register of advances in form No. VI.

(7) The budget as sanctioned from time to time by the Court of Wards in form No. VII.

(8) A statement showing the liabilities and progress made in liquidating the debt of each estate in form No. VIII.

15. Every manager shall send to the Mamlatdar of the taluka—

(*a*) as soon as the inventory in form No. II is completed, a copy thereof and

(*b*) at the end of each year, a copy of the yearly statement of increase and decrease in form No. II.

16. The accounts to be kept by the manager shall be for the revenue year commencing with the 1st August and ending with the 31st July.

17. The manager shall promptly pay into the Treasury all collections of money.

18. The manager shall be given a permanent advance to be fixed in each case by the Court of Wards.

19. All sums required for expenditure shall be drawn from the Treasury by cheques.

20. Where the Court of Wards withdraws its superintendence from the property of a Government ward, the following records and documents shall ordinarily, and subject to the provisions of rules 21 and 22, be made over to the land-holder, namely :–

(1) Correspondence between the Court of Wards and the vendor regarding any purchase of property made on behalf of the estate, together with all documents affecting the purchase.

(2) Correspondence between the Collector and the purchaser regarding the sale of any property belonging to the estate, together with all documents affecting the sale.

(3) Correspondence between the Court of Wards and any persons who have any claims against or are indebted to the estate regarding such claims and all documents appertaining thereto.

(4) Correspondence between the Court of Wards and lessees regarding leases granted by the Court of Wards.

(5) Papers connected with proceedings in civil, revenue or criminal courts relating to the person or property of a Government ward.

(6) Pattas and all other documents entered into between the Court of Wards and farmers of forest or other revenue ; and counterparts received from them.

(7) Such statement of accounts as may suffice to show clearly the financial position of the estate at the time of its release from management.

Note.—Copies of any accounts or vouchers will be given on application at the expense of the land holder and the examination of the accounts will be permitted to him.

(8) Bonds and other documents securing repayment of money to the estate.

21. The Court of Wards may, in its discretion, direct that any of the records and documents referred to in rule 20 shall not be made over to the land holder, and may in its discretion, on the application of the land-holder, direct that any records or documents not referred to in rule 20 shall be made over to the land-holder.

22. Without the express sanction of the Court of Wards none of the following records or documents shall be made over to the land-holder, namely :—

(*i*) Correspondence between the Court of Wards or manager and any superior authority and reports made by the Court of Wards or manager.

(*ii*) Correspondence with and opinions of the Remembrancer of Legal Affairs or Government Pleader and copies of such correspondence or opinions.

(*iii*) Correspondence reflecting in any way on the conduct of the Government servants or employees of the Court of Wards.

(*iv*) Correspondence relating to the allowances made to or claims preferred by members of the family of the land-holder.

23. The Court of Wards may from time to time delegate all or any of its powers to the Collector of any district in which any part of the property of a Government ward is situated, and may at any time revoke such delegation : Provided that the following powers shall not be delegated without the special sanction of the State Government, namely :—

(*i*) The power to expend any sum or incur any liability exceeding Rs. 5,000 in amount or value ;

(*ii*) the power to compromise any claim exceeding Rs. 5,000 in value ;

(*iii*) the power to raise a loan of an amount exceeding Rs. 1,000 ;

(*iv*) the power generally to revise tenants' rents ;

(*v*) the power to remove a manager in receipt of a salary of or exceeding Rs. 150 *per mensem* ;

(*vi*) the power to sanction a budget for an estate yielding a gross income of or exceeding Rs. 20,000 *per annum*;

(*vii*) the power to sanction expenditure which has not been provided for in a budget and which cannot be provided for by re-appropriation;

(*viii*) the power to prescribe under rule 14(8) forms of accounts to be kept by managers;

(*ix*) the power to give sanction to making over to a landholder records which may not be made over under rule 20 or records which under rule 22 may not without the express sanction of the Court of Wards be made over, and to refuse to make over any records referred to in rule 20;

(*x*) the power to write off irrecoverable amounts exceeding Rs. 100 due to an estate.

N.B.—In cases of emergency, the Collector may assume the power of the Court of Wards in any case coming under heads (*i*) to (*ix*) submitting his proceedings without delay to the Court of Wards for confirmation.

FORM A.

KNOW ALL MEN BY THESE PRESENTS that (principal) of (1st surety) of (2nd surety) of are jointly and severally bound to A. B., the Court of Wards, for the division of in the sum of rupees (Rs.) to be paid to the said A. B., or his attorney, executors, administrators, successors or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators jointly and severally by these presents.

Dated this WHEREAS the above bounden (principal) was on the day of 1919 appointed by the said Court of Wards to the office of* for the estate of† in village of in the taluka of in the district of and now holds the said office.

NOW THE CONDITION of the above written bond is such that if the said (principal) whilst he shall hold the said office shall always truly and faithfully perform all his duties appertaining to the said office and act in accordance with the provisions of the Bombay Court of Wards Act, 1905, and the rules for the time being in force thereunder and all orders from time to time given by lawful authority so far as the said Act, rules and orders apply to and define the duties appertaining to the said office and shall duly account for or deliver in such manner and to such person or persons as may by the said A. B., or his attorney, executors, administrators, successors or assigns be required all and every the sum and sums of money and securities for money and all property whatsoever which he may receive or be entrusted with by virtue of his said office and shall not embezzle, withhold, destroy or in any way injure or damage any such moneys, securities or property as aforesaid and further shall indemnify the said A. B., his attorney, executors,

*Here enter name of office, whether manager or otherwise.

†Here enter name of Government Ward.

administrators, successors or assigns against all loss and damage which during his said office as aforesaid may at any time be sustained by the said A. B., his attorney, executors, administrators, successors and assigns by means of the neglect, failure, misconduct, disobedience, omission or insolvency of the said
(principal)

THEN this obligation shall be void and of no effect. Otherwise the same shall be and remain in full force and virtue.

PROVIDED ALWAYS and it is hereby agreed and declared that neither of them the said (1st surety) and
(2nd surety) shall be at liberty to terminate their suretyship except upon giving to the said A. B., or his attorney, executors, administrators or successors six months' notice in writing of his or their intention so to do, and his or their liability under this bond shall continue in respect of all omissions and defaults on the part of the said or or both of them occurring up to expiration of the said period of six months.

FORM No. I.

Register of Securities.

Name of Office..... Rule requiring Security.....

Name and designation of officers.	Amount of security.	Nature of security.	Names and residence of sureties, if any, and dates of their bonds.
1	2	3	4

Names and residence of new sureties, if any, substituted for former ones who have died or withdrawn or whose fitness is considered doubtful and dates of their surety bonds.	Amount of security, if any, for which each surety is liable on account of other officers whether in the same or in any other Department.	Opinion of the Court of Wards as to sufficiency of present security and date on which such opinion was recorded.	Remarks.
5	6	7	8

Leave two pages for each office.

The register should be indexed and paged.

FORM No. II

Inventory of property belonging to the estate of.....
in the taluka of.....in the district of..... .....

Immovable property.

Agricultural land.					Other property.					Ornaments.			
Name of the village where situated.	Area.	Assessment.	Quit-rent, if any, payable.	Total amount payable to the State Government.	Nature of property.	Description.	Where situated.	Approximate or book value.	Cash.	Gold weight.	Value.	Silver weight.	Value.

Movable property.

Value of precious stones and pearls.	Shares.	Government Promissory Notes.	Other Deposits.	Amount due on bonds.	Total.	Live-stock details.	Other movable property details.	Remarks.

Foot Note.—This form should be filled in as follows :—
Firstly, the totals at the beginning of the year ;
Secondly, increase during the year in detail ;
Thirdly, decrease during the year in detail ;
Fourthly, total at the end of the year.

FORM No. III.

Day book of receipts and expenditure of the estate of.....
for the year.....

Receipts.

Date.	Serial No.	From whom received.	On what account.	Amount.	Total including balance.
1	2	3	4	5	6
				Rs. a. p.	Rs. a. p.

Expenditure.

Date.	Serial No.	To whom paid.	On what account.	Amount.	Total for the day including balance.
1	2	3	4	5	6
				Rs. a. p.	

FORM No. IV.

PART I.

Classified register of receipts of the estate of.....for the month of.....

Head of receipt.	Budget estimate.	Total to end of previous month.	Here enter dates of the months.				Total during month.	Total to date.
			1st	2nd	3rd	4th	5th	and so on		
(Here enter Budget Heads.)										

FORM No. IV.

PART II.

Classified register of the expenditure of the estate of.....for the month of.....

Head of expenditure.	Budget estimate.	Total to end of previous month.	Here enter dates of months.					
			1st	2nd	3rd	4th	5th	and soon
(Here enter Budget Heads.)								

Total during month.	Total to date.	Remarks.

RETURN (FORM IV).

PARTS I & II.

Monthly return of receipts and expenditure (of the estate of.....for the month of.....

Receipts.	Budget estimate.	Total to end of previous month.	Total of the month.	Total to date.
(Here enter Budge Heads.)				

Disbursement.	Budget estimate.	Total to end of previous month.	Total in this month.	Total to date.
(Here enter Budget Heads.)				

FORM No. V.

Monthly Return / Register } of receipts and payments on account of personal deposits.
Estate of.....Treasury of.....

taluka of.....district of.....

Date.	No. of payment cheque.	Amount received.	Amount paid.	Balance after each transaction.	Initials of the Officer.	Remarks.

FORM No. VI.

Register of advances of the estate of.....

No.	Name and residence of persons to whom money is advanced.	Nature of document.	Amount of advance.	Date from which limitation runs.	Date from which limitation expires.	Recoveries. Date.	Recoveries. Amount.	Remarks.

Key to Register of Advances.

Year, month and date of the period on which limitation ends.	Person from whom amount is due.	Amount.	Date of Execution of Document.	Remarks.
1	2	3	4	5

FORM VII.

Budget Estimate for the estate of.....in the taluka of .....
in the district of.....for the year 19 -19 .

Receipts.	Amount of sanctioned scheme.	Actual of the previous year.	Estimate for the current year.	Estimate for the ensuing year.	Disbursement.	Amount of sanctioned scheme.	Actuals of the previous year.	Estimate for the current year.	Estimate for the ensuing year.
1	2	3	4	5	6	7	8	9	10
I. Opening balance.					1. The State Government revenue and cesses.				
II. Agricultural lands—					C.2. Rent to superior landlords.				
1. Rents and cesses					3. Management of property.				
2. Home farm cultivation.					4. Contribution for the general management of estates.				
3. Miscellaneous					5. Maintenance of proprietors.				
III. Forest.					6. Education.				
IV. House rent.					7. Miscellaneous.				
V. Interest,					8. Interest on loans.				
VI. Loans,					E-9. Estimated outlay on account of estate improvements.				
VII. Miscellaneous.					10. Investments.				
VIII. Total receipts.					11. Loans repaid.				
IX. Grand total.					Total ...				
					Total Disbursements ...				
					Closing Balance ...				
					Grand Total ...				

FORM No. VIII.

Statement showing the liabilities and progress made in liquidating debt in the Court of Wards.

estate of..... during the year.....

Name and residence of creditors	Debts due on assumption of charge	Debts incurred in previous years after charge was assumed	Debts settled in previous years. By incurring other debts	By sale of property	Rejected by Court of Wards or Civil Court
1	2	3	4	5	6

Debts settled in previous years. Remitted by creditors	From current income	Total	Balance of debt at the beginning of the year.	Balance of accumulated interest at the beginning of the year
7	8	9	10	11

(*contd.*)

FORM No. VIII—*contd.*

Statement showing the liabilities and progress made in liquidating debt in the Court of Wards.

estate of..... during the year.....

		Debts settled during current year.		
Additional debts incurred during the year	Interest due for the year	By incurring fresh debts	By sale of property	Rejected by Court of Wards or Civil Court
12	13	14	15	16

Debts settled during current year.						
Remitted by creditors	From current income	Total	Interest paid during the Year	Balance of debts at the end of the year	Balance of accumulated interest at the end of the year	Debt by which it was expected on assumption of management that estate would clear of debts.
17	18	19	20	21	22	23

FORM No. IX

Yearly return of demands, collections and balances.

Estate of..... in the taluka of..... in the district of..... for the year ending.....19 .

Number of villages.	Demands.			Collections.		
	On account of arrear of past years.	Of the current year.	Total.	Of arrears of past years.	Of the current year.	Total.
1	2	3	4	5	6	7

Written off		Balance outstanding at the end of			Remarks.
Of past Years.	Of current Year.	Of past Years.	Of the current year	Total.	
8	9	10	11	12	13

FORM No. X.

Skeleton Form of the Report of Court of Wards, and Statements to be appended thereto.

From

_____

_____;

To

_____

_____.

Dated _____19

Sir,

I have the honour to submit the Annual Report on the working of the management of private Estates by the Court of Wards for the year ending 31st July 19 .

2. NUMBER OF ESTATES UNDER MANAGEMENT.

(Here give the number of Estates in the beginning of the year, new one sadded and released during the year. In the case of the latter, state briefly the reasons for termination of the management).

3. Income.

4. EXPENDITURE.

5. COLLECTION OF ESTATES DUES.

6. THE STATE GOVERNMENT REVENUE CESSES AND RATES.

(Any remissions granted by the State Government should be stated in this para.)

7. COST OF MANAGEMENT.

8. ADVANCES GRANTED TO CULTIVATORS.

9. SPECIAL SCHEME FOR MANAGEMENT.

10 MAINTENANCE AND EDUCATION OF WARDS.

11. REPAYMENT OF DEBTS AND EXISTING LIABILITIES.

12. GENERAL REMARKS.

I have the honour to be,
Sir,
Your most obedient servant,

STATEMENT I

Showing the general position of estate under the management of the State Government

(Details are given only for estates with gross income of Rs. 10,000 and above Figures for other estates are lumped together.)

1 Serial No.	2 Name of District.	3 Name of estate.	4 Total area of estate	5 Cultivated area.	6 Uncultivated area.	Total Government demand. 7(i) Assessment.	7(ii) Cesses.	7(iii) Other demands.	7(iv) Total.	Total gross income. 8(i) Income due from agricultural land excluding land revenue.	8(ii) Income due from house rent.	8(iii) Total.	9 Total gross income recovered.	10 Total gross expenditure.	Balance. 11 Invested.	12 Uninvested.	13 Total liabilities.	14 Cost of management.	15 Percentage of gross income.	16 Remarks.
1	Kaira ..	A B ..								C D										
2		E F								G H										
3		I J								K L										
4 to 10		Totals for small estates.																		

STATEMENT II.

Showing the efficiency of rent collection in estates under the management of the State Government.

Name of District.	Name of Estate.	Demands.			Collection.			Amount written off.	Balance.			Details of Balances.
		Current.	Arrears.	Total.	On account of current year.	On account of arrears.	Total.		Converted into bonds of decrees.	Others.	Total.	

STATEMENT III.

Showing progress made in liquidation of debt in Court of Wards estates during the year.

Name of District.	Name of Estate.	Debts due on assumption of charge.	Debts incurred in previous years after charge was assumed.	Additional debts incurred during year.	Debts	
					By incurring fresh debts.	By sale of property.

settled during current year.

Rejected by Court of Wards or Civil Court.	Remitted by creditors.	From current income.	Balance.	Date by which it was expected on assumption of management that estate would be clear of debt.